



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

September 8, 1998

Ms. Susan M. Cory
General Counsel
Texas Workers' Compensation Commission
Southfield Building, MS-4D
4000 South IH-35
Austin, Texas 78704-7491

OR98-2128

Dear Ms. Cory:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 117839.

The Texas Workers' Compensation Commission (the "commission") received a request for "copies of any and all TWCC-3 'Employer's Wage Statement' forms filed from January 1, 1991 through the present regarding employees" of the listed employers. You claim that the requested information is excepted from disclosure under section 552.101 of the Government Code. You have submitted a blank copy of the TWCC-3 form for our review. We have considered the exception you claim and reviewed the submitted form.

Section 552.101 excepts "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Section 552.101 also encompasses information protected by other statutes. Section 402.083(a) of the Labor Code provides:

(a) Information in or derived from a claim file regarding an employee is confidential and may not be disclosed by the commission except as provided by this subtitle.

Labor Code § 402.083(a). In Open Records Decision No. 619 (1993), this office concluded that this section protects only information in or derived from a claim file that explicitly or implicitly discloses the identity of the employee filing a workers' compensation claim. After reviewing your arguments and the submitted form, we conclude that pages 1, 2, and 4 are protected from disclosure under section 552.101 in conjunction with section 402.083(a) of

the Labor Code. The information on page 3 must be released since this information does not explicitly or implicitly disclose the identity of the employee filing the claim.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,

A handwritten signature in cursive script, appearing to read "June B. Harden".

June B. Harden
Assistant Attorney General
Open Records Division

JBH/ch

Ref.: ID# 117839

Enclosures: Submitted documents

cc: Mr. Christopher J. McKinney
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San Antonio, Texas 78205
(w/o enclosures)